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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Situation of human rights in Myanmar

Report of the Secretary-General

1. The present report is submitted pursuant to paragraph 19 of General Assembly resolution 50/194 of 22 December 1995, entitled "Situation of human rights in Myanmar", in which the Assembly requested me to continue my discussions with the Government of Myanmar in order to assist in its efforts for national reconciliation and in the implementation of that resolution, and to report to the Assembly at its fifty-first session and to the Commission on Human Rights at its fifty-second session.

2. As I have indicated in previous reports (see A/49/716 and A/50/782) I consider the role entrusted to me by the General Assembly to be one of good offices, as distinct from the fact-finding mandate assigned by the Human Rights Commission to the Special Rapporteur.

3. Since the adoption of resolution 50/194, my representatives have held three rounds of talks in New York and at Bangkok with the Minister for Foreign Affairs of Myanmar, U Ohn Gyaw. Members may be aware from my report to the Commission on Human Rights (E/CN.4/1996/65 of 5 February 1996) that in February 1996 I approached the Permanent Representative of Myanmar to the United Nations with the proposal that my Representative, Mr. Alvaro de Soto, Assistant Secretary-General for Political Affairs, visit Yangon for a new round of talks in advance of the fifty-second session of the Commission. The Government of Myanmar responded that, owing to the leadership's tight schedule, it would not be able to receive my Representative until after the month of August. After further consultations, it was agreed that a meeting would be held instead at United Nations Headquarters in New York between the Foreign Minister of Myanmar and my Representative on 4 April 1996.

4. Following the developments at the end of May 1996 in connection with a meeting organized by the National League for Democracy (NLD) to commemorate the sixth anniversary of the party's victory in the 1990 elections and the subsequent detention of a large number of NLD members invited to participate at that event, I suggested that Mr. Francesc Vendrell, the Director of the East Asia and the Pacific Division of the Department of Political Affairs, who was in South-East Asia at the time, visit Myanmar in order to enable me to receive a first-hand account of the situation. The Government replied proposing instead a meeting in Bangkok with the Minister for Foreign Affairs who was on a tour of some South-East Asian countries at the time. The meeting took place in Bangkok on 15 June 1996.

5. On 6 August I wrote a letter to Senior General Than Shwe, Chairman of the State Law and Order Restoration Council and Prime Minister of the Union of Myanmar, in which I underscored the importance, for the adequate discharge of my mandate, of visits to Myanmar by my representatives in order to meet with the authorities and other relevant political personalities in the country and proposed that Assistant Secretary-General for Political Affairs Alvaro de Soto visit Myanmar in early September. Foreign Minister U Ohn Gyaw, in New York for the current session of the General Assembly, conveyed to the Assistant Secretary-General an oral message from Lieutenant-General Khin Nyunt, Secretary-1 of the State Law and Order Restoration Council, reiterating his Government's wish to continue the dialogue with me but expressing the view that such a dialogue need not be held inside Myanmar but could equally well take place outside. During his meeting with my Representative, the Foreign Minister pointed out that his Government was ready to receive visits by my representatives, but that it could not agree to private meetings with all the personalities I regarded essential for the discharge of my mandate.

6. In the weeks following, further discussions have been held with a view to enabling my Representative to visit Myanmar prior to the submission of the present report. Unfortunately it has not yet been possible to reach agreement on modalities that would be in conformity with the mandate entrusted to me by the General Assembly.

7. Apart from visits by my representatives to Myanmar and the evolution of the situation in the country, the discussions with the Minister for Foreign Affairs have centred on the basic issues on which the General Assembly has repeatedly expressed concern, in particular the composition, procedures and functioning of the National Convention; the withdrawal and subsequent expulsion from the Convention of NLD; the opening of a dialogue between the State Law and Order Restoration Council on the one hand and the principal political leaders, including Daw Aung San Suu Kyi, as well as representatives of the national races and ethnic groups, on the other; restrictions on political freedoms, including the proclamation of Law No. 5/96 of 7 June 1996; the situation of political prisoners and detainees, as well as prison conditions, reports of forced labour and porterage; and reports of military actions against certain ethnic groups, including the Karens and the Karennis, resulting in further internal displacements and refugee outflows.

8. The Foreign Minister for his part conveyed information about the progress achieved by the National Convention in the drafting of constitutional guidelines

through the adoption of the chapters dealing with the legislature, the executive and the judiciary. The Convention had so far adopted 15 "chapter headings" and 104 "fundamental principles" that would form the basis of the new Constitution. At its resumed session it would discuss issues of power-sharing between the central Government and the component states and divisions. It would be up to the Convention to determine eventually how the Constitution should be finally drafted and approved.

9. The Foreign Minister discarded the possibility of effecting changes in the composition and functioning of the National Convention on the grounds that it was fully representative of the various strata of the population of Myanmar and that it was the only "disciplined" forum capable of delivering a strong Constitution. The decision taken by NLD at the urging of Daw Aung San Suu Kyi, on 28 November 1995, to suspend its participation in the National Convention on the grounds that the Convention was not truly representative and the views of NLD were not taken into account, had led to the automatic expulsion of its members under the rules laid down in the Convention's procedures. Had NLD remained in the Convention it would have had the opportunity of making its views known as it had done in the past. A dialogue with the NLD leadership, including Daw Aung San Suu Kyi, was not possible outside the framework of the National Convention, which was the forum for such a dialogue.

10. The Government considered that Myanmar's priority was "national reconsolidation" and the eradication of national insurgencies. The insurgencies would lay down their arms once the Constitution was adopted and they would only do so with a disciplined Government, and not with a civilian Government. Military rule was thus necessary until the Constitution was firmly established. Thereafter, the military did not intend to form a political party, but would continue to take part in the political life of the nation.

11. The Foreign Minister stated that the Government was not supporting the Democratic Kayin Buddhist Army against the Karen National Union (KNU) as had been alleged. The Government and KNU had met on three occasions in government-controlled territory, and it was a matter of time before KNU returned to the legal fold. As for the Karenni National Progressive Party (KNPP), it had come back to the legal fold as a result of the Government's persuasion, and not under a ceasefire agreement. KNPP was now claiming sole control of the area concerned and was declaring that the government side had broken a ceasefire agreement that had never been signed.

12. Regarding political prisoners, the Foreign Minister stated that his Government made no distinctions between political and common prisoners. People whose behaviour was not in line with the law were punished. Though Myanmar had to adhere to its own internal laws and regulations, it had not closed its door to a possible agreement with the International Committee of the Red Cross.

13. While I am appreciative of the expressed readiness of the Government of Myanmar to pursue a dialogue with me on matters of concern to the international community, I cannot hide my disappointment that it has not been possible, since the adoption of General Assembly resolution 50/194 a year ago, for my representatives to visit Myanmar. It is my considered view that, for the adequate discharge of my mandate, it is essential for my representatives to meet

with the highest governmental authorities as well as with leaders of other relevant political forces. I must also express my regret that no progress can be reported, since my last report to the General Assembly, in the areas on which the General Assembly and the Human Rights Commission have repeatedly expressed their concern. I am firmly convinced that the opening of a genuine political dialogue between the State Law and Order Restoration Council and the leaders of the political party that won a clear majority in the 1990 elections and of other relevant political forces, including the national races and ethnic groups, is essential to achieve the Government's stated objectives of democratization and national reconciliation and to assuage the concerns that have been repeatedly expressed in the General Assembly and the Commission on Human Rights about Myanmar. I wish to take this opportunity to reiterate my commitment to continue my efforts towards the achievement of these goals.

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Agenda item 33
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Fifty-first year

Letter dated 11 November 1996 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government and further to our earlier letters concerning Israel's repeated attacks on southern Lebanon and the western Bekaa and the arbitrary practices against the local inhabitants in which it engages on a daily basis, I have the honour to notify you of the series of such incidents that took place during September 1996.

3 September 1996

At 1250 hours Israeli military aircraft made high-altitude overflights of the town and camps at Sidon.

6 September 1996

At 1045 hours Israeli military aircraft overflew Beirut and were fired on by ground-based anti-aircraft batteries belonging to Lebanese Army units stationed in the Ba'abda area.

At 1200 hours, while elements of the Lahad militia were raking woodland areas with machine-gun fire, fires broke out in thickets close to dwellings in outlying areas of Haydab and Qaytulah in the Jazzin district.

9 September 1996

At 1100 hours Israeli military aircraft made high-altitude overflights of the town and camps at Sidon.

11 September 1996

At 2130 hours outlying areas of Qulay'ah in the western Bekaa came under artillery fire from Israeli and Lahad militia positions at Tallat al-Ahmadiyah. No casualties were reported.

At 2130 hours elements of the Lahad militia captured Master Sergeant Antoine Makhwal of the Security Forces' Bint Jubayl post and took him to Khiam prison.

12 September 1996

At 0930 hours outlying areas of Frun and areas along the Litani river came under artillery bombardment.

At 1430 hours Israeli military aircraft overflew the town and camps at Sidon, breaking the sound barrier.

At 1435 hours two Israeli reconnaissance aircraft overflew Baalbek, breaking the sound barrier.

13 September 1996

At 0800 hours outlying areas of Jumayjimah, Safad al-Battikh, Tibnin, Ayta al-Jabal, Majdal Silm, Qabrikha and Tulin came under Israeli artillery bombardment.

At 0945 hours Israeli helicopters overflew the Nabatiyah area at low altitude and fired two air-to-surface missiles and several bursts of machine-gun fire at targets along the Zahrani river and in outlying areas of Arabsalim, Habbush and Kafr Rumman.

Between 1800 and 1830 hours outlying areas of Jumayjimah, Majdal Silm, Tulin and Qabrikha came under Israeli artillery bombardment. No casualties were reported.

At 1330 hours a cluster bomb left by the Israeli incursion exploded near Safi al-Din Muhammad Ayyub, 26, causing injuries all over his body. He had been tending livestock in the Sahl al-Manarah locality in the eastern part of the western Bekaa district.

16 September 1996

At 1620 and 2330 hours Israeli military aircraft made high-altitude overflights of the town and camps at Sidon.

18 September 1996

At 1200 hours Israeli aircraft made high-altitude overflights of the town and camps at Sidon.

At 1000 hours outlying areas of Ayn Bu Siwar, Jba' and Jarju' came under Israeli artillery bombardment. At the same time, Israeli military aircraft and helicopters made numerous low-altitude overflights of the region.

At 1130 hours Israeli patrols accompanied by a military aircraft proceeded to comb the thickets between Maydun and Ayn al-Tinah as well as Tumat Niha and the Birkat Jabbur and Abu Rashid localities in the outlying areas to the west of Qilya. From about 1300 hours until 1400 hours Israeli military aircraft overflew the western Bekaa, dropping heat balloons.

At 1240 hours Israeli aircraft overflew the town and camps at Sidon.

At 1255 hours Israeli military aircraft overflew Baalbek.

At 1345 hours Israeli military aircraft made two consecutive attacks on outlying areas of Ayn Bu Siwar. The artillery bombardment continued, targeting outlying areas of towns in the Iqlim al-Tuffah area and areas along the Zahrani river. Two civilians were injured. A fierce fire also broke out in the environs of Jba' and destroyed a large stand of pine trees. It could not be extinguished owing to the security situation.

At 1530 hours outlying areas of Tibnin, Ayta al-Jabal, Haddathah and Bra'shit came under Israeli artillery bombardment. At the same time, Israeli military aircraft overflew the region.

20 September 1996

At 1310 hours Israeli aircraft made high-altitude overflights of the town and camps at Sidon.

Between 1500 and 1630 hours elements of the Lahad militia raked the Anan area in the Jazzin district with fire using all types of weapons.

21 September 1996

At 1215 hours outlying areas of Arabsalim, Jarju', Ayn Bu Siwar, Jba', Mlita, Jabal Safi and Wadi Kafrah came under Israeli artillery bombardment. Then, at 1420 hours, Israeli military aircraft attacked the Mlita hills and Jabal Safi, continuing the bombardment until 1600 hours. No casualties were reported.

22 September 1996

At 0230 hours the Mlita hills, Jabal Safi and outlying areas of Jba', Ayn Bu Siwar, Jarju', Arabsalim and Humin al-Fawqa came under Israeli artillery bombardment. At the same time, Israeli helicopters raked the Mlita hills and Jabal Safi with machine-gun fire. The operation ended at 0630 hours. Israeli forces expelled Ali Hassan Qarut and his family, of Mays al-Jabal in the Marj Uyun area, from the border-strip area.

23 September 1996

Between 1300 and 1500 hours the Ayn al-Tinah hills and Mashgharah, in the western Bekaa district, came under sporadic artillery bombardment from Israeli and Lahad militia positions.

24 September 1996

At 0730 hours the Milita hills, Jabal Safi and Luwayzah, in the Iqlim al-Tuffah area, came under Israeli artillery and rocket bombardment.

At 1030 hours outlying areas of Arabsalim and Jarju' and areas along the Zahrani river came under artillery bombardment from Israeli positions inside the border strip. The bombardment of Jarju' and its environs was particularly severe and started a fierce fire that civil defence personnel were unable to extinguish in view of the security situation. The bombardment stopped at 1520 hours.

At 1500 hours Israeli aircraft made high-altitude overflights of the town and camps at Sidon, breaking the sound barrier.

25 September 1996

At 1100 hours Israeli military aircraft made low-altitude overflights of the Nabatiyah area, breaking the sound barrier.

At 1110 hours Israeli military aircraft overflew the town and camps at Sidon, breaking the sound barrier at 1500 hours. The overflights continued until 2000 hours.

Between 1230 ad 1300 hours Israeli military aircraft made low-altitude overflights of the Maydun and Ayn al-Tinah areas.

At 1630 hours outlying areas of Kafra, Yatar, Haddathah and Haris came under Israeli bombardment.

26 September 1996

At 1000 hours Israeli military aircraft made low-altitude overflights of Sidon, returning at 1520 hours to make high-altitude overflights.

At 1040 hours outlying areas of Arabsalim, Jarju', Luwayzah, the Milita hills, Jabal Safi, and Ayn Bu Siwar came under Israeli artillery bombardment. At the same time Israeli military aircraft made overflights at various intervals. The bombardment stopped at 1800 hours.

27 September 1996

Between 1130 and 1300 hours the Ayn al-Tinah hills in the western Bekaa came under sporadic artillery bombardment from Israeli and Lahad militia positions.

28 September 1996

Between 1745 and 1815 hours Israeli helicopters made overflights of the Nabatiyah area, carrying out mock attacks and dropping heat balloons.

29 September 1996

At 1108 hours Israeli aircraft overflew the Sidon area, breaking the sound barrier.

At 1745 hours outlying areas of Majdal Silm, Tulin, Qabrikha, Sawwanah and Shaqra came under Israeli artillery bombardment.

At 1800 hours the Mlita hills, Jabal Safi, outlying areas of Jarju', Arabsalim, and Ayn Bu Siwar and areas near Nab' al-Tasah came under Israeli artillery bombardment.

Israel's persistent refusal to implement Security Council resolution 425 (1978) and its continued occupation of Lebanese territory are perpetuating the cycle of violence.

The Lebanese Government strongly condemns the continued Israeli occupation, the fresh attacks and the arbitrary practices against the Lebanese population, which have caused further injuries and further serious damage to property.

Like previous attacks, this new series is in flagrant violation of the sovereignty and independence of Lebanon and constitutes a breach of the purposes and principles of the Charter of the United Nations, of international law and of basic human rights.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 33, and of the Security Council.

(Signed) Samir MOUBARAK
Ambassador
Permanent Representative